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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/068,238	03/26/1999	Udo Nobel	766X89029IN	2114

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EXAMINER

CHENEVERT, PAUL A

ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 07/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/068,238	NOBEL ET AL.	
	Examiner	Art Unit	
	Paul A. Chenevert	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-33,35-37 and 40-52 is/are pending in the application.
- 4a) Of the above claim(s) 44-52 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 41 and 42 is/are allowed.
- 6) ☒ Claim(s) 28-33,35-37,40 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 28-32, 35-37, 40 and 43 are **still** rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlenforst et al. (US Patent 5,261,718) in view of Braendle et al.

Regarding claims 28 and 43, Ohlenforst et al. discloses a window for a vehicle, comprising: a glazing (1); an elastomeric glazing profile (37) disposed around at least a part of the periphery of said glazing on a margin of a face of said glazing (Fig. 4); a mounting flange (41) having an inner edge defining an aperture in a vehicle body, a first face facing said glazing profile and a second face (Fig. 4) facing away from said glazing; wherein said profile (37) has a raised portion (37) that is shaped and positioned to center said glazing (1) within said aperture during insertion of said glazing in said aperture by bearing against said inner edge of said mounting flange (41); wherein said raised portion (37) comprises a tip (40) positioned so that after insertion of said glazing, said tip bears against said second face of said mounting flange facing away from said glazing (Fig. 4); and wherein said glazing is bonded to said mounting flange by an adhesive material (44). Regarding claim 29, Ohlenforst et al. discloses the window, wherein said raised portion (37) of said profile (37) is in the form of a lip (40) extending away from said glazing which, after insertion of said glazing in said aperture, extends beyond said inner edge of said mounting flange (41) and over said second face of said mounting flange facing away from said glazing. Regarding claims 30 and 31, Ohlenforst et al. discloses the window,

Art Unit: 3612

wherein said profile (37) further includes a spacer portion (Fig. 4) on a peripheral side of said raised portion (37), said spacer portion (34) abutting said first face of said mounting flange during installation and acting as a stop for said glazing and maintaining said glazing in a fixed spaced relationship to said mounting flange. Regarding claim 32, Ohlenforst et al. discloses the window, wherein said raised portion (37) is adapted to retain said glazing in a centered position with respect to the mounting flange (41) while said adhesive material (41) sets during installation. Regarding claim 35, Ohlenforst et al. disclose the window, further comprising means for pulling (38) the lip over the mounting flange. Regarding claim 38, Ohlenforst et al. disclose the window, wherein said raised portion of said profile comprises a first surface (34) at a first slanting angle relative to said mounting flange which initially centers said glazing as said glazing is initially moved to said aperture, and a second surface (37) at a second slanting angle to the mounting flange that maintains a centered position of said glazing after insertion of said glazing into said aperture and a step between said first surface and said second surface engaged by said inner edge of said mounting flange. Regarding claim 39, Ohlenforst et al. disclose a profile with two different height raised portions (18 and 21) with a groove (17) along the profile. Regarding claim 40, Ohlenforst et al. disclose the window, wherein said glazing profile comprises a single piece of elastomeric material.

Ohlenforst et al. do not disclose that the raised portion is in the form of a curled lip or that said glazing is inserted in said aperture from outside the vehicle body. Regarding the limitation that the lip is curled. It would have been obvious to one of ordinary skill in the art to form the lip in a curled shape **in the form of a scroll** (as defined by the Applicant as forming coils) as it

Art Unit: 3612

would merely involve the alternate utilization of an equivalent lip means to achieve the same exact function.

Braendle et al. discloses a profile wherein said glazing is inserted in said aperture from outside the vehicle body (since portion 2 of the glazing faces the interior of the vehicle and the glazing with the profile is prefabricated to be mounted on the vehicle, it would have been inherent that the window is inserted from outside the vehicle body).

Braendle et al. and Olenforst et al. are analogous art because they are from the same field of endeavor, i.e., window glazing profiles for centering the glazing on a vehicle aperture.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include insert the window from outside the vehicle.

The motivation would have been to make assembly easy.

Therefore, it would have been obvious to combine Ohlenforst et al. with Braendle et al. to obtain the invention as specified in claims 28-32, 35, 38, 39, 40 and 43.

Regarding claims 36 and 37, the Applicant admits (by not traversing the Official Notice in the previous office action) that using a metal wire of a cord as the pulling means is well known in the art and would have been obvious to one of ordinary skill in the art at the time of the invention to use a metal wire or a cord. The motivation would have been to use an inexpensive means for pulling the lip over the mounting flange.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include a groove along the profile. The motivation would have been to ensure proper alignment of the glazing and the mounting flange.

Art Unit: 3612

3. Claim 33 is **still** rejected under 35 U.S.C. 103(a) as being unpatentable over Ohlenforst et al. in view of Braendle et al. as applied to claim 28 above, and further in view of Schroter (EP 0304694).

Ohlenforst et al. as modified disclose the window of claim 28.

Ohlenforst et al. as modified do not disclose a lip on a peripheral side thereof having a base extending outwards from said glazing and a body extending in a curved towards a direction perpendicular to said face of said glazing, said lip sealing against said mounting flange.

Schroter discloses a profile with a lip (10) on a peripheral side thereof having a base extending outwards from said glazing and a body extending in a curved towards a direction perpendicular to said face of said glazing, said lip sealing against said mounting flange.

Ohlenforst et al. and Schroter are analogous art because they are from the same field of endeavor, i.e., window glazing profiles for centering the glazing on a vehicle aperture.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include an additional lip sealing against the mounting flange.

The motivation would have been to provide additional protection against the adhesive becoming exposed to the environmental conditions, which could degrade its performance, such as rain.

Therefore, it would have been obvious to combine Schroter with Ohlenforst et al. to obtain the invention as specified in claim 33.

Allowable Subject Matter

4. Claims 41 and 42 are allowed.

Response to Arguments

5. Applicant's arguments filed 27JUN06 have been fully considered but they are not persuasive.

The Applicants' argument on page 9, line 4, that the "Ohlenforsts' profiles are the wrong shape to center a glazing during its insertion into the aperture" is incorrect. Glazing profiles (front windshields) in general have evolved from attachment profiles into centering profiles. Attachment profiles only attach the glazing to a mounting flange as is shown in prior art references Burkart et al. (U.S. Patent 5,620,794) or Agrawal et al. (U.S. Patent 5,475,956). The centering profiles include centering portions, which attach the glazing to the vehicle either by elastically pushing against an interior perimeter wall of an aperture (windshield opening) as shown in prior art reference Kunert et al. (U.S. Patent 5,519,979) or by grasping an inner edge of the mounting flange as is shown in prior art reference Braendle et al. (U.S. Patent 4,986,867). The profile of Ohlenforsts is a centering profile.

The Applicants' arguments on page 10, line 8, that "none of the references cited by the Examiner disclose or suggest the lip being in the form of a scroll" is incorrect. The lip of Ohlenforsts protrudes away from the glazing and a distal tip touches the outer side of the mounting flange. It would be obvious to a person having ordinary skill in the art to form the lip in a curl shape in the form of a scroll. It is noted that even if the Applicants were to amend the claims to further define the curled lip as not touching the inner edge of the mounting flange and only touching the second face after insertion, the prior art references Baba (JP 57-134320) and Pfadenhauer (DE 38 43 079) also teach this method.

Art Unit: 3612

The Applicants' argument on page 10, line 9, that their invention "is advantageous because the lip becomes akin to a spring" is true but not persuasive. The lip of Ohlenforsts is also spring like as are most lips of centering profiles (see reference listed above).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is 571-272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).


7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul A. Chenevert
Examiner
Art Unit 3612

PAC

PAC
15JUL06


D. GLENN DAYOAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

7/17/06

Acceptable
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"REPLACEMENT SHEET"

2/4

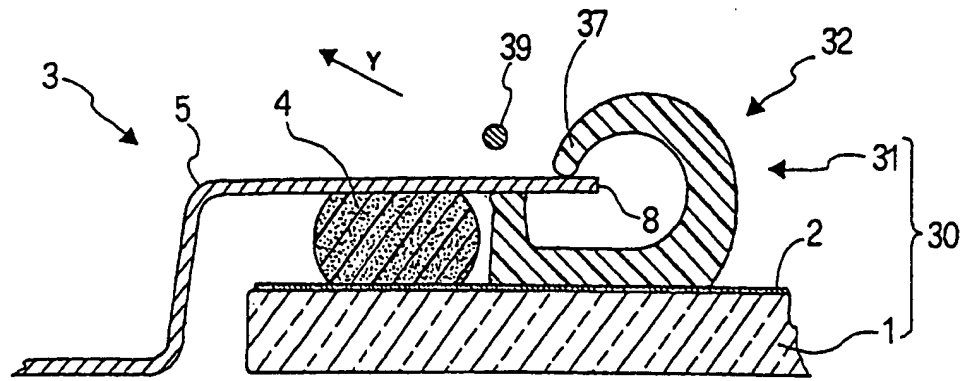


FIG 4

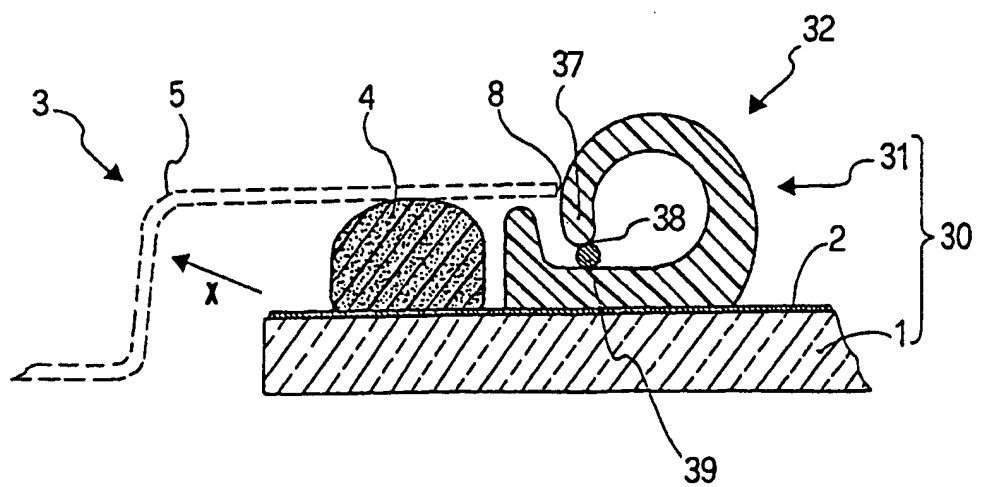


FIG 5